

Appl. No. 09/914,494
Atty. Docket No. CM2057M
Amdt. dated 12/3/2003
Reply to Office Action of 9/25/03
Customer No. 27752

REMARKS/ARGUMENTS

Claims 17-21 and 23-30 are now in the case. Claim 17 has been amended to specify that the perfume is substantially free of Schiff base. Basis is found in Claim 22, now canceled as redundant. Claim 21 has been amended to generically recite the presence of the organic phosphonate sequestrant. Basis is at page 9, l. 24-25. Claim 23 has been amended to more properly recite that the ingredients are mixtures. Claim 30 has been amended to more clearly focus on the tablet aspect of the invention. It is submitted that these amendments add no new matter, and entry is requested.

Objections to the Specification

The Abstract has been amended to meet MPEP 608.01 (b). Withdrawal of the objection on that basis is requested. A copy of the amended Abstract is included herewith on a separate sheet.

The status of the copending foreign applications at page 4, l. 9-10, and at page 15, l. 17, has been updated to indicate the publication dates of the documents. Since the applications are now published, it is submitted that their mention in the specification is entirely proper. The paragraph beginning at page 25 has been amended to remove non-essential matter. Withdrawal of the objections is requested.

Claim Objection

Claim 22 has been objected to in regard to the capitalization of *Schiff*. This has now been corrected in all relevant claims. Withdrawal of the objection is requested.

Rejection Under 35 USC 112

Claim 19 has been amended to depend from Claim 17, as indicated in the Office Action. Claims 21 and 23 have been amended to correct the Markush language. Withdrawal of the rejections is requested.

Rejections Under 35 USC 102 and 103

Before turning to the specific grounds of rejection, it is important to consider that Applicants herein have discovered a problem nowhere suggested in the cited documents, and have solved the problem in the manner disclosed and claimed in the application.

As discussed at page 2 of the Specification (par.1), Applicants have discovered that some perfumes can undesirably interact with the clay component of the claimed tablets. The result of such

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interaction is not only a detrimental effect on the performance of the perfume, but also a discoloration of the clay.

Having noted this problem, Applicants have further discovered that it is those perfume components which comprise Schiff bases that undesirably form highly colored by-products when they come into contact with the metal ions present in the clay.

Having discovered the problem and its underlying source, Applicants have overcome the problem by employing perfumes which are substantially free of Schiff bases. (Page 13, l. 18-22.)

As is well-known from case law cited at MPEP 2141.02, "[A] patentable invention may lie in the discovery of the source of a problem even though the remedy may be obvious once the source of the problem is identified." This is part of the "subject matter as a whole" test under 35 USC 103.

Rejection Under 35 USC 102

Claim 17 stands rejected over U.S. 4,678,593, for reasons of record at page 3 of the Office Action.

Applicants respectfully traverse the rejection on this basis.

The '593 patent relates to toilet bar compositions that contain a smectite-type clay. At Col. 4, l. 59, '593 teaches that "conventional" perfumes can be used in the bars.

Clearly, nothing in '593 evidences any recognition that certain perfumes can undesirably interact with clays. It necessarily follows that nothing in '593 teaches the use of perfumes which are free of Schiff bases, in the manner of the present invention. Reconsideration and withdrawal of the rejection under §102 are therefore requested.

Rejections Under 35 USC 103.

Claims 17-20 and 22-32 stand rejected over EP 0,846,756, for reasons of record at pages 4-5 of the Office Action.

Claim 21 stands rejected over EP '756, further in view of U.S. 6,007,735, for reasons of record at pages 5-6 of the Office Action.

Applicants respectfully traverse all rejections under §103.

EP '756 relates to coated detergent tablets which can contain perfume (p. 3, l. 24-25). It is submitted that nothing therein relates to the problem of clay/perfume interaction, much less suggests that Schiff bases are the source of the problem. Accordingly, nothing in EP '756 in any way teaches

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or suggests the present invention, in the sense of §103. Resonsideration and withdrawal of the rejection on this basis are requested.

With regard to the rejection of Claim 21, the above comments pertaining to EP '756 apply equally.


It is respectfully submitted that U.S. '735 adds nothing to EP '756, with respect to the present invention. U.S. '735 relates to coated bleach tablets. The coatings can comprise clays (Col. 5, l. 2 and Example 3). However nothing therein evidences any suggestion that the clay-coated tablets should be employed with perfumes whose components exclude Schiff bases.

In short, it is submitted that neither EP '756, nor U.S. '735, nor the combination thereof, teaches or suggests either the problem discovered by Applicants herein, much less its solution. Withdrawal of all rejections under §103 is therefore requested.

In light of the amendments and arguments presented herein, early and favorable action in the case is respectfully requested.

Respectfully submitted,
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